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§10–208.

(a) (1) There is a continuing, nonlapsing Mental Hygiene Community–Based Services Fund.

(2) The purpose of the Mental Hygiene Community–Based Services Fund is to ensure that funds realized from the sale or lease of Behavioral Health Administration facilities as the result of downsizing, consolidation, or closure are used to provide community–based services.

(b) Notwithstanding any other provision of law, if any Mental Hygiene Administration facility is downsized, consolidated, or closed, all State property associated with the facility that is not transferred to another governmental entity shall be sold or leased at fair market value, and the net proceeds of the sale or lease shall be deposited into the Mental Hygiene Community–Based Services Fund.

(c) (1) If a facility operated by the Behavioral Health Administration is downsized, consolidated, or closed such that the net resident population declines or if a facility is closed or consolidated and bed capacity levels remained unchanged:

(i) State general funds may be appropriated as necessary, in advance, to assist in the downsizing;

(ii) Any funds in the Mental Hygiene Community–Based Services Fund:

1. May not supplant resources for existing community services; and

2. Shall be used to meet the needs of individuals leaving facilities to enter community–based services; and

(iii) Any funds remaining after meeting the needs of individuals identified in subparagraph (ii)2 of this paragraph shall be used to increase the availability of:

1. Affordable housing and employment opportunities for individuals with mental illness; and

2. Community mental health services designed to promote recovery and community integration, including development of the Maryland Mental Health Crisis Response System established under Subtitle 14 of this title.

(2) Funds in the Mental Hygiene Community–Based Services Fund shall be spent in accordance with a plan developed by the Behavioral Health Administration in consultation with consumers, family members, providers, and mental health advocates.

(d) On or before January 1 of each year, the Secretary shall prepare a report to be submitted to the General Assembly and the Department of Legislative Services on the Mental Hygiene Community–Based Services Fund.

(e) Any unspent portions of the Mental Hygiene Community–Based Services Fund and any interest earned on money in the Waiting List Equity Fund may not be transferred or revert to the General Fund of the State but shall remain in the Mental Hygiene Community–Based Services Fund to be used for the purposes specified in this section.

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